

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OSVALDO VASQUEZ

Plaintiff,

- against -

MR. RUNNED, RN,

Defendant.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3-22-07**

05 Civ. 6082 (RCC)(KNF)

**ORDER ACCEPTING
AND ADOPTING
REPORT AND
RECOMMENDATION**

RICHARD CONWAY CASEY, United States District Judge:

On June 30, 2005, Osvaldo Vasquez ("Plaintiff") brought this pro se action pursuant to 42 U.S.C. § 1983 against "Mr. Runned" whose actual name is Bruce Grund ("Defendant"). Plaintiff contends Defendant exhibited deliberate indifference to his serious medical needs in violation of the Eighth Amendment when, on April 12, 2005, Defendant failed to change a post-operative medical-dressing and thereby caused him pain and allowed blood to drain from the surgical site onto his clothing and bed. According to Plaintiff, the dressing was changed by another nurse approximately three and one-half hours later. The case was referred to Magistrate Judge Kevin N. Fox and Defendant filed the present motion for summary judgment. By Report and Recommendation dated October 27, 2005 ("Report"), Judge Fox recommended that the motion for summary judgment be granted.

In conformity with United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997), Rule 72(b) of the Federal Rules of Civil Procedure, and the Federal Magistrates Act, 28 U.S.C. § 636(b)(1), Judge Fox explicitly cautioned that any objections to the Report were to be received within 10 days and that failure to file timely objections to the Report would constitute a waiver of any objections.

As of the date of this Order, the Court has not received any objections to the Report. A court may adopt those portions of a magistrate judge's report and recommendation that are not the product of clear error and to which the parties do not object. Pizzaro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991); see also 28 U.S.C. § 636(b)(1). Having carefully reviewed the file in this matter, the Court is satisfied that there is no clear error on the face of the Report. Accordingly, the Court accepts and adopts the Report in its entirety. The Clerk of the Court is directed to close the case and to remove it from the Court's active docket.

So Ordered: New York, New York
March 23, 2007


Richard Conway Casey, U.S.D.J.